

REMARKS

Claims 51-84 were pending in the above-identified application. Claims 51-75 were rejected and claims 76-84 were withdrawn from consideration by the Examiner.

Claims 51, 52, 56-59, 61-66, 70-73 and 75 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,259,898 B1 ("Lewis"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Lewis is not a properly cited patent reference under 35 U.S.C. § 102(e). In relevant part, 35 U.S.C. § 102(e) states that "[a] person shall be entitled to a patent unless ... the invention was described in a patent granted on an application for patent by another filed in the United States *before* the invention thereof by the applicant for patent" 35 U.S.C. § 102(e) (emphasis added). The filing date of Lewis is May 5, 1998. However, the above-identified application is a continuation application of U.S. Patent No. 5,790,536 to Mahany et al., and therefore has an effective filing date of at least June 7, 1995. Since the filing date of Lewis is after June 7, 1995, Applicants respectfully request that Lewis be withdrawn as a cited reference. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claims 51, 52, 56-59, 61-66, 70-73 and 75.

Claims 53-55, 60, 67-69 and 74 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lewis in view of U.S. Patent No. 6,031,830 ("Cowan"). Applicants respectfully traverse the rejection.

Applicants respectfully submit that, since Lewis is not a properly cited patent reference under 35 U.S.C. § 102(e), Lewis is not a properly cited patent reference under 35 U.S.C. § 103(a). Accordingly, the rejection of claims based on Lewis in view of Cowan cannot be maintained. It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 53-55, 60, 67-69 and 74.

In view of at least the foregoing, it is respectfully submitted that the pending claims 51-75 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Pursuant to M.P.E.P. § 609, Applicants respectfully request that a copy of the information disclosure statement submitted on September 16, 2002, be properly initialed by the Examiner and returned to Applicants in the next official paper as an acknowledgement of the receipt of the

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information disclosure statement and as an indication as to which of the listed documents were considered by the Examiner.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: October 9, 2003

Respectfully submitted,

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